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April 29, 2024

Hon. Sidney H. Stein, USDJ
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007
    VIA ECF

MEMO ENDORSED

Re: **Rosario et al v. 2022 Eastchester LLC et al**
        Docket No.: 20-cv-09182 (SHS)

Dear Judge Stein,

    I represent Plaintiffs in the above-referenced case. For the reasons that follow, counsel for both parties respectfully request an extension of time to file the Cheeks motion from April 26, 2024 to May 13, 2024. I personally seek Your Honor's indulgence for not filing this motion in a timely manner. I advised Mr. Biolsi that I would take up the laboring oar on the motion and had the deadline properly calendared but last week I came down with the flu and I tried to soldier on at work instead of staying home and I simply missed it.

    By way of status report, we have what counsel believe a final version of the settlement agreement. However, Instead, because Defendants' contumacious conduct in the past, Plaintiffs insisted on the signing of the settlement agreement only after Mr. Biolsi advises me in writing that he holds the settlement amount in his IOLTA account. Mr. Biolsi advised me last week that one of the Defendants has yet to deposit the agreed upon amount and needs a bit more time to do so. Mr. Biolsi was optimistic that the delay was occasioned by the difficulty in obtaining the funds and not that Defendant's second thoughts about the deal. Consequently, we believe that the additional time will allow the parties to consummate the deal.

    Wherefore, counsel for the parties request until May 13, 2024 to submit the Cheeks motion.

Respectfully submitted,
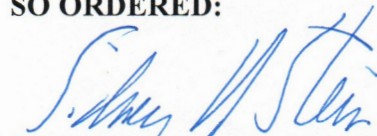
/s/Robert Wisniewski
Robert Wisniewski

Cc: (via ECF)
    Steven Biolsi, Esq.
    Counsel for Defendants

The request to file the Cheeks motion by May 13 is granted.

Dated: New York, New York
    April 30, 2024

SO ORDERED:

_____
Sidney H. Stein, U.S.D.J.